

REVISED
DRAFT 2/28/18 – SUBJECT TO CHANGE
For Review and Adoption by the Council at the March 22, 2018 Meeting

DELTA STEWARDSHIP COUNCIL
Thursday February 22, 2018
980 9th Street, 2nd Floor Conference Center
Sacramento, CA 95814

MEETING SUMMARY

1. Welcome and Introductions

The meeting was called to order at 9:05 a.m., Feb. 22, 2018, by Chair Randy Fiorini.

2. Roll Call – Establish a Quorum (Water Code §85210.5)

Roll call was taken and a quorum was established. The following members were present: Randy Fiorini, Frank Damrell, Skip Thomson, Susan Tatayon, and Pat Johnston. Mike Gatto and Ken Weinberg were absent.

~~3. Closed Executive Session – (Not open to the public) (Action Item)~~

~~The Council may discuss litigation matters pursuant to Government Code §11126 (e)(2)(A), (e)(2)(B)(i), and/or (e)(2)(C)(i), including: (a) Delta Stewardship Council Cases, Coordinated Proceeding JCCP No. 4758, and (b) Bracewell Engineering Inc., et al., v. Delta Stewardship Council, et al., Sacramento County Superior Ct. No. 34-2015-80002178.~~

There was no closed executive session.

~~4. Reconvene Open Session~~

5. Adoption of the January 25, 2018 Meeting Summary (Action Item)

Chair Fiorini asked if there were any questions, suggestions, or comments from the Council or public regarding the Jan. 25, 2018 meeting summary.

Member Tatayon requested one change: top of page one, “For Review and Adoption by the Council at the January 25, 2018 Meeting,” to “For Review and Adoption by the Council at the February 22, 2018 Meeting.”

The Jan. 25 meeting summary can be found on the Council’s website at <http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-feb-22-2018-agenda-item-5-adoption-jan-25-2018>. The amended meeting summary can be found on the Council’s website at <http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-feb-22-2018-agenda-item-5-revised-jan-25-2018>.

Member Weinberg arrived.

Motion: (Offered by Tatayon, seconded by Thompson) to approve the Jan. 25, 2018 meeting summary.

Vote: (6/0: Johnston, Weinberg, Fiorini, Tatayon, Thomson, Damrell) and the motion was adopted.

The video showing this motion and vote can be found on the linked agenda: <http://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2018-02-22>, 00:01:30.

6. Chair's Report (Information Item)

Chair Fiorini noted the April 16, 2018 Delta Plan Interagency Implementation Committee (DPIIC) meeting. Pre-meetings have begun and the agenda is shaping up to discuss ecosystem restoration; One Delta, One Science; and the California Water Action Plan. The objective for the 2018 DPIIC meetings are to develop a vision for restoration in the Delta that can be shared with the new administration.

Member Gatto arrived.

7. Executive Officer's Report (Information Item)

Chief Deputy Executive Officer Jessica Law presented the executive officer's report, noting the Ecosystem Amendment Open House to be held the same day at the Courtland Auditorium. Ms. Law said that during the course of the last month, one covered action entered public review and two passed without appeal.

Ms. Law made remarks about two comment letters: 1) to Karen Enstrom from the California Department of Fish and Wildlife regarding the Draft Environmental Impact Statement/Environmental Impact Report for the Yolo Bypass Salmonid Habitat Restoration and Fish Passage Project, [http://deltacouncil.ca.gov/sites/default/files/2018/02/18-0214-letter from Terri Gaines re Yolo Bypass Salmonid.pdf](http://deltacouncil.ca.gov/sites/default/files/2018/02/18-0214-letter%20from%20Terri%20Gaines%20re%20Yolo%20Bypass%20Salmonid.pdf); and 2) to Kamyar Guivetchi regarding additional comments on the draft Water Plan Update 2018, <http://deltacouncil.ca.gov/sites/default/files/2018/02/18-0220-Letter%20from%20Jessica%20Law%20to%20DWR%20providing%20additional%20comments%20on%20draft%20Water%20Plan%20Update%202018.pdf>.

Ms. Law noted a few staff changes. Jeff Henderson has joined the Council as the new deputy executive officer for planning. Amanda Bohl has been appointed the special assistant for planning and science, which includes coordinating the Delta Plan Interagency Implementation Committee; and Lita Brydie—formerly with the planning division—will be joining meeting services and special projects and will be supporting the Council in this capacity. Ms. Law also welcomed Stephen Pang as the new Sea Grant Fellow for policy, assisting the planning division with the ecosystem amendment and other planning initiatives.

7a. Legal Update

No legal update.

7b. Legislative Update

Ryan Stanbra provided a Legislative Update, which can be found on the Council's website at <http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-feb-22-2018-agenda-item-7b-legislative-update>.

Member Damrell requested a map of Senate and Assembly districts.

Member Weinberg commented on AB 2060 and AB 2064, asking whether or not some of these grant funds could be provided to nonprofits that are working on restoration. Member Weinberg also asked if Delta Science Program staff is invited to speak at committee hearings. Chair Fiorini noted that the Lead Scientist is presenting to the State Water Resources Control Board in the near future. Member Weinberg encouraged staff to look at how the Delta Levees Investment Strategy (DLIS) could be included in legislative measures, including SB 1035, or order to create a stronger linkage between the Delta Plan and General Plan requirements.

Chair Fiorini asked if there is any funded opposition to the water bonds. Mr. Stanbra didn't know of any at this point in time, but November is still a long way off.

Chair Fiorini asked if there were any members of the public who wished to comment on the executive officer's report; there were none.

8. Lead Scientist's Report (Information Item)

Chair Fiorini invited Dr. John Callaway to present the Lead Scientist's Report. The report covered a number of collaborative and science communication activities; it is available on the Council's website at <http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-feb-22-2018-agenda-item-8-lead-scientists-report>.

Regarding the article on polders, Member Tatayon requested a map showing how the polders overlap with the DLIS maps. She said the information can help in bettering DLIS as a decision-support tool. Dr. Callaway noted that there are maps in the paper, which he will provide. Member Thomson appreciated the suggestion of seeing how the polders study can support thinking about Delta levees.

After Dr. Callaway concluded his report, he invited Nir Oksenberg to present *By the Numbers* summary. *By the Numbers* is posted on the Council's website at <http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-feb-22-2018-agenda-item-8-numbers>.

Member Weinberg asked about the winter-run Chinook numbers, asking if we're under half a million in Red Bluff, but last year's water year was strong, what's going on? Dr. Callaway responded that this is most likely a reflection of conditions over the preceding

couple of years. Member Thomson followed up, asking what the numbers were last year. This time last year, there were just over 5,300 winter-run Chinook.

Chair Fiorini asked if there were any members of the public who wished to speak; there were none.

9. Ecosystem Amendment Update (Information Item)

Ms. Law invited Senior Environmental Scientist Supervisor Ron Melcer to provide an update on the ecosystem amendment. The staff report for this item can be found on the Council's website at <http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-feb-22-2018-agenda-item-9-ecosystem-amendment>. The presentation for this agenda item can be found on the Council's website at <http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-feb-22-2018-agenda-item-9-presentation>.

Member Thomson asked for clarification on what the various papers will cover. Mr. Melcer responded that there is overlap, but the aquatic and terrestrial ecosystem paper deals with actual landscape condition, some of the projects that are underway, and the types of conceptual changes that are needed. The restoration paper is focused more on how to think about management of the system. Member Weinberg requested the Dr. Jay Lund paper that Mr. Melcer referenced.

Chair Fiorini asked if there were any members of the public who wished to comment on this item; there were none.

Chair Fiorini recessed the meeting for a break at 10:36 a.m. The meeting reconvened at 10:41 a.m.

10. Paradise Cut Implementation Challenges (Information Item)

Mr. Melcer introduced the topic and panel: Dr. Nat Seavy from Point Blue Conservation Science, John Cain from American Rivers, and Charlotte Mitchell from the Central Valley Farmland Trust (CVFT). The staff report for this item can be found on the Council's website at <http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-feb-22-2018-agenda-item-10-paradise-cut-1>. Attachments 1 and 2 can be found on the Council's website at <http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-feb-22-2018-agenda-item-10-paradise-cut-0> and <http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-feb-22-2018-agenda-item-10-paradise-cut>, respectively. Mr. Cain's presentation can be found on the Council's website at <http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-feb-22-2018-agenda-item-10-presentation>.

Mr. Cain provided an overview of the Paradise Cut project, including the implementation challenges related to overlapping easements. Ms. Mitchell explained the CVFT's interest in the project, the role of agricultural conservation easements, and her willingness to continue working to find a solution to the challenges. Dr. Seavy

addressed the need for developing easements and projects that are flexible and multi-benefit.

Chair Fiorini asked if Mr. Cain was optimistic about the ability to find a solution to these challenges. Mr. Cain responded that, despite the challenges he is still optimistic. Chair Fiorini asked Ms. Mitchell if there's an opportunity to shift the covenants of future agricultural easements to allow for multi-benefits. Ms. Mitchell responded that yes, moving forward, she feels we will get there, especially as the Sustainable Groundwater Management Act continues to be implemented. Unfortunately, for this particular issue, she said it's proving challenging due to funding sources and existing conservation easement language.

Mr. Weinberg asked how widespread this problem is. Mr. Cain responded that he's learning a lot about easements and that easements funded by the California Farmland Protection Act all have the provision that is causing the conflict and a number of easements have this language.

Mr. Gatto asked if the easement could be extinguished and re-issued with the new terms and who has the right to enforce the terms of the easement? Ms. Mitchell noted that the land trust ensures that the terms of the easement are followed. Extinguishing the easement is generally not an option, either. Mr. Cain noted that legislation is an option, but we have to be careful with setting the wrong precedent.

Mr. Thomson asked who's supporting the project and if San Joaquin County is supportive. Mr. Cain noted that the two San Joaquin County supervisors that they have spoken with have been supportive. The San Joaquin Resource Conservation District is the grant lead on this project and is very supportive.

Chair Fiorini asked if there were any members of the public who wished to comment on this item; there were none.

11. Delta Independent Science Board Recent Accomplishments and Upcoming Activities (Information Item)

Dr. Stephen Brandt, chair of the Delta Independent Science Board (Delta ISB) discussed recent Delta ISB accomplishments and outlined activities for 2018. The staff report for this item and attachments 1-3 can be found on the Council's website, respectively, <http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-feb-22-2018-agenda-item-11-delta-independent-2>, <http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-feb-22-2018-agenda-item-11-delta-independent-1>, <http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-feb-22-2018-agenda-item-11-delta-independent-0>, and <http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-feb-22-2018-agenda-item-11-delta-independent>. The presentation for this agenda item can be found on the Council's website at <http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-feb-22-2018-agenda-item-11-presentation>.

Member Weinberg requested a focused discussion around how to get information to decision-makers. Chair Fiorini asked Dr. Callaway if the update to the Delta Science Plan will address this. Dr. Callaway indicated that this will be a big part. Ms. Law noted that the Delta ISB comes regularly to provide these updates and information. And recommendations coming out of the Delta ISB's reports should be presented to the Council. Council staff is also discussing whether or not to do a series of discussions around these topics given the questions that exist regarding governance and decision-making.

Chair Fiorini asked if there were any members of the public who wished to comment on this item; there were none.

12. Watermaster Quarterly Update

Michael George, Delta Watermaster, provided an update to the Council. The staff report for this item can be found on the Council's website at <http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-feb-22-2018-agenda-item-12-watermaster-quarterly>. Mr. George's presentation can be found on the Council's website at <http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-feb-22-2018-agenda-item-12-presentation>.

During his update, Mr. George summarized the data collected about water use by those who hold senior water rights in the Delta watershed. Vice Chair Tatayon asked if the data will help us understand how this demand affects the timing of when the Delta is in balance. Mr. George responded yes, but it will also help water managers better manage overall water use, which will help improve everybody's water supply reliability and forecasting. This database is a valuable tool for water managers.

~~Vice Chair Tatayon asked if the water use data that's being developed will help us to understand when the Delta is in imbalance. Mr. George responded yes, but it will also help water managers better manage overall water use.~~

13. Public Comment

Chair Fiorini thanked Member Johnston for his years of service on the Delta Stewardship Council. Member Thomson, Vice Chair Tatayon, Member Weinberg, and Member Damrell also expressed their appreciation to Member Johnston.

Chair Fiorini presented Member Johnston with a small gift and Member Johnston thanked everyone for their efforts.

Chair Fiorini asked if there were any members of the public who wished to comment; there were none.

14. Preparation for Next Council Meeting – Discuss (a) expected agenda items; (b) new work assignments for staff; (c) requests of other agencies; (d) other requests from Council members; and (e) confirm next meeting date.

The meeting adjourned at 1:07 p.m.